



# UNITED STATES PATENT AND TRADEMARK OFFICE

802

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/343,936	06/30/1999	MINH DUONG-VAN	003997.P002	8489

7590 06/22/2005

TAREK N FAHMI  
BLAKELY SOKOLOFF TAYLOR & ZAFMAN  
12400 WILSHIRE BOULEVARD  
SEVENTH FLOOR  
LOS ANGELES, CA 900251026

EXAMINER

LEE, CHI HO A

ART UNIT PAPER NUMBER

2663

DATE MAILED: 06/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/343,936

Applicant(s)

DUONG-VAN, MINH

Examiner

Andrew Lee

Art Unit

2663

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 15 April 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-3 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lin et al U.S. Patent Number 6,405,256 in view of Iliadis U.S. Patent Number 5,995,486.

Re Claim 1, Lin teaches in fig. 1, a Caching Server CS (a router) for receiving and transmitting packets within network 106 (communication network) and in fig. 4, step 204 teaches the CS checks for network congestion (onset of congestion of the router) in the connection between the Caching Servers or the Client sends a packet loss rate to the CS (See col. 8, lines 22-38). In particular, Lin teaches once congestion is determined; the expandable buffer may be increased in the CS or borrowed from other configured expandable buffers (See col. 8, lines 50-68 also see fig. 4) to mitigate for the congestion. Lin fails to explicitly teach, "the effective serving rate is increased for a time period comprising a round-trip time interval...in the network".

However, Iliadis teaches in order to avoid traffic starvation in the buffer, the minimum buffer size can be determined by  $B_{min} = r \times D$  wherein  $r$  = rate and  $D$  = round trip delay (See col. 5, lines 25-35). Hence, one skilled in the art would have been motivated to increase the expandable buffer in Lin et al in accordance to  $D$  (round trip delay) in order to avoid starvation in the connection. Therefore, it would have been

Art Unit: 2663

obvious to one ordinary skilled to combine the teaching of Iliadis into the teaching of Lin et al.

Re Claim 2, refer to Claim 1, wherein the auxiliary storage area for packets is the borrowed from other configured expandable buffers and the buffer in router is just the expandable buffer (See col. 8, lines 56-62)

Re Claim 3, refer to Claim 2, wherein the auxiliary storage can be a physical RAM (See col. 7, lines 5-12) wherein data segments (packets) are distributed (external to the router) between caching servers (See col. 7, lines 28-60).

### ***Response to Arguments***

3. Applicant's arguments filed 4/15/05 have been fully considered but they are not persuasive.

Applicant argues that, "no where in Iliadia is the any mention of increasing the buffer size of the receiving node for a time period comprising a RDT".

Examiner disagrees.

Claim 1 recites that the "time period comprising a round trip time interval". As correctly stated by Applicant, "a minimum buffer size comprising a function of the round-trip delay". Iliadis teaches  $B_{min} = r \times D$  wherein  $r$  = rate and  $D$  = round trip delay. For maintaining the same rate, it is clear as the "D" increases, the required minimum buffer  $B_{min}$  also increases. Hence, Iliadia does disclose increasing the  $B_{min}$  as a function of a round-trip delay.

***Conclusion***

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew Lee whose telephone number is 571-272-3130. The examiner can normally be reached on Monday to Friday from 8:30AM to 6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ricky Ngo can be reached on 571-272-3139. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2663

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

AL  
6/15/05

AL  
PATENT EXAMINER